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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,924	09/30/1999	THEODORE DAVID WUGOFSKI	98-0874	4623
32718	7590	11/17/2005	EXAMINER	
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DR., Y-04 N. SIOUX CITY, SD 57049			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/408,924	<b>Applicant(s)</b> WUGOFSKI, THEODORE DAVID	
	<b>Examiner</b> Michael W. Hoyer	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see pages 12-14 of the Remarks/Arguments, filed on July 7, 2004, with respect to the rejection of claims 1-14, 17-20, 23-26, 29-32 and 35-44 as being anticipated under 35 U.S.C. § 102(b) by Klosterman (USPN 5,550,576) have been fully considered and (although the examiner does not necessarily completely agree) are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. § 103(a) as being unpatentable over Klosterman (USPN 5,550,576), in view of Iwamura (USPN 5,883,621).

Applicant's arguments, see pages 14-15, with respect to the rejection of claims 15-16 and 27-28 under 35 U.S.C. § 103(a) as being obvious over Klosterman (USPN 5,550,576), in view of Tsumori (USPN 5,438,372) have been fully considered and (although the examiner does not necessarily completely agree) are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. § 103(a) as being unpatentable over Klosterman (USPN 5,550,576), in view of Iwamura (USPN 5,883,621), in further view of Tsumori (USPN 5,438,372).

Applicant's arguments, see pages 14-15, with respect to the rejection of claims 21-22 and 33-34 under 35 U.S.C. § 103(a) as being obvious over Klosterman (USPN 5,550,576), in view of Iwamura (USPN 5,883,621) have been fully considered but they are not persuasive.

Regarding claims 21-22 and 33-34, as well as all of the other claims previously described above (1-20, 23-32 and 35-44), the Applicant argues that, "Iwamura does not make up for the

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defects of Klosterman since...Iwamura discloses a method and apparatus for providing a device control with a topology map (representing interconnections between network device[s]) in a digital network.”

In response, the Examiner respectfully disagrees with the Applicant because in addition to the Iwamura patent disclosing a method and apparatus for providing a device control with a topology map (representing interconnections between network device[s]) in a digital network, the Imamura patent further discloses determining which of the devices are tuning sources based on information from a device registry of the network as described in col. 5, line 33 – col. 6, line 18, where a device identification process is preformed which involves sending commands to all the nodes and inquiring as to their respective device types, furthermore, device type information may be stored in and returned from a configuration ROM associated with each node (or “device registry”)...as is known in the art, and as the responses are received, the device name column of table 500 is filled in appropriately as shown in Fig. 5. In addition to, the Applicant defines “tuning sources” as a television, VCR, DVD or the like, as described on page 12 of the Remarks/Arguments section, and in the Applicant’s Specification on pages 6-7, for example. Therefore, the claimed “tuning sources” are met by the DVD players, VCRs, televisions, etc. as described in both the Klosterman and Iwamura references as described above and in the rejections below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14, 17-26 and 29-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (USPN 5,550,576), in view of Iwamura (USPN 5,883,621).

Regarding claim 11, Klosterman discloses coordinating schedule guide information received from multiple sources and mixes and sorts it into a desired order (column 2, lines 11-31), which meets the limitation on generating program guide data for programming information available from a first device coupled to the information handling system; monitoring for the presence of additional devices coupled to the information handling system via a network.

Klosterman discloses any medium capable of transmitting a signal can transmit information to the user (column 2, line 65-column 3, line 9). Klosterman discloses in order to track which channels are available from which source, a source identifier is located on each channel such as in a color coding the cable box channel in one color and coloring the channels from the IRD box in another color (column 7, lines 1-18). Klosterman discloses the service providers transmit guides to the receiver and the service provider can be satellite, cable, etc. (column 4, lines 45-62). Klosterman discloses when creating the merged television guide, a channel map is created which identifies multiple sources and identifies the source such as local and DBS source (column 3, lines 28-47), which meets the limitation on identifying at least one device coupled to the information handling system; the creation of the merged guide necessitates involving a determination of device capability and would meet the limitation on determining whether the device is capable of providing programming material...; and in the event the identified device is determined to be capable of providing programming material, adding access

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to such program source via the device to the program guide. The local broadcast or the DBS broadcast with the guide reads on the guide generated for the first device. The DBS broadcast or the local broadcast reads on the identified device, depending on what the first device is the identified device is whatever the first device is not (i.e. first device=DBS, identified device=local broadcast). Klosterman does not explicitly disclose the claimed determining whether the device is capable of providing programming material based on information from a device registry of the network. However, the Imamura patent teaches determining which of the devices are tuning sources based on information from a device registry of the network as described in col. 5, line 33 – col. 6, line 18, where a device identification process is preformed which involves sending commands to all the nodes and inquiring as to their respective device types, furthermore, device type information may be stored in and returned from a configuration ROM associated with each node (or “device registry”)...as is known in the art, and as the responses are received, the device name column of table 500 is filled in appropriately as shown in Fig. 5. In addition to, the Applicant defines “tuning sources” as a television, VCR, DVD or the like, as described on page 12 of the Remarks/Arguments section, and in the Applicant’s Specification on pages 6-7, for example. Therefore, the claimed “tuning sources” are met by the DVD players, VCRs, televisions, etc. as described in both the Klosterman and Iwamura references. Therefore, it would have been obvious to one of ordinary skill in the art to have combined the method and apparatus for merging television program schedule information received from multiple television schedule information sources of Klosterman with the additional teachings of determining which of the devices are tuning sources based on information from a device registry of the network as disclosed in the Imamura reference for the advantage of storing the configuration of the system

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sources in a registry in order to maintain and use proper information on the sources connected to the information handling system.

Regarding claims 12 and 20, Klosterman discloses the user can scroll a cursor onto a program on the grid guide and press the enter key on the remote control causing the system to tune to the program (column 7, lines 19-64, figures 2-3). Klosterman discloses when the user selects a non-DBS channel from the guide, the IRD for the satellite switches the IRD to the local cable to the receiver the system then tunes to the appropriate channel (column 3, lines 33-37), which meets the limitation on enabling control of the device via the program guide and tuning to the program.

Regarding claim 13, Klosterman discloses in the event that there are two channels that are the same, but from different sources such as cable and DBS, an overlap may occur such that the same channels may occur from the different sources; the channels may be arranged by numerical order alphabetical order, order with source, mixed order programmed by the user, or in any other arrangement (column 6, lines 34-48). The same channel occurring from different sources meets the limitation on a conflict; the display of both channels of ABC from different sources meets the limitation on a virtual channel; if there is not a duplicate channel, the single channel is displayed, which meets the limitation on otherwise mapping the channel of the identified device to an actual channel of the program guide.

Regarding claim 14, Klosterman discloses when the user selects a non-DBS channel from the guide, the IRD for the satellite switches the IRD to the local cable to the receiver the system then tunes to the appropriate channel (column 3, lines 33-37). Klosterman discloses the user can scroll a cursor onto a program on the grid guide and press the enter key on the remote control

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causing the system to tune to the program (column 7, lines 19-64, figures 2-3), which meets the limitation on displaying a program received from the identified device on a display coupled to the information handling system.

Regarding claim 17, Klosterman discloses the television schedule data may be provided with the signal transmitted from the service provider such as the schedule for DBS programming, cable, antenna, etc. (column 4, lines 46-62); the schedule data transmitted with the signal reads on device information and the transmitting source of schedule data reads on a registry network which meets the limitation on obtaining device information from a registry of a network. The claimed step of obtaining device information from a registry of the network is more specifically met by the Iwamura reference as described above in claim 11.

Regarding claim 18, Klosterman discloses the television schedule data may be provided with the signal transmitted from the service provider such as the schedule for DBS programming, cable, antenna, etc. (column 4, lines 46-62); the schedule data transmitted with the signal reads on device information and the transmitting source of schedule data reads on a registry network which meets the limitation on obtaining device information from a registry of a network. The claimed step of obtaining device information from a registry of the network is more specifically met by the Iwamura reference as described above in claim 11.

Regarding claim 19, Klosterman discloses the system receives information from at least two separate sources (column 3, lines 2-5). Klosterman shows (figures 1a-1b) that there can be more than two sources, cable box, IRD box, and other inputs, which meets the limitation on continuing the method with the identifying step for additional devices that may be available to the network.



Regarding claims 21-22 and 33-34, Klosterman strongly suggests monitoring for the presence of an additional device and notifying the information handling system of the presence of additional devices by showing more than two different devices coupled to the coordinator (figures 1a-1d) and by stating that at least two separate sources (column 3, lines 2-5); the independent claims states a first device and identifying at least one device coupled to the network. Klosterman fails to disclose searching for the presence of additional devices and notifying the information handling system of the presence of additional devices. Iwamura discloses in the self-identification, every time a new device joins the network, a reset signal is sent that clears the topology information (column 4, line 55-column 5, line 5). Iwamura discloses the self-identification process stores states of the ports in the IRD 100 (information handling system) (column 5, line 34-column 6, line 18, figures 3, 5, 6), which meets the limitation on monitoring the presence of an additional device and notifying the information handling system of the presence of additional devices. Therefore, it would have been obvious to one of ordinary skill in the art to further modify Klosterman to include searching for the presence of additional devices and notifying the information handling system as taught by Iwamura in order to be aware of the connection states of the devices in order to properly utilize communication between devices.

Regarding claims 23-26, 29-32, the limitations in claims 23-26 and 29-32 have been met by the rejection of claims 11-14 and 17-20 respectively.

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Regarding claim 1, Klosterman discloses a CPU 36 (column 4, lines 17-30), which meets the limitation on a processor for executing a program of instructions on the information handling system.

Klosterman discloses a RAM 38 within the coordinator (column 7, lines 30-34). Klosterman discloses the coordinator finds and sorts the program guide information and the program guide information can be available from all or several of available sources (column 4, line 63-column 5, line 12). Klosterman discloses the IRD (integrated receiver decoder) receives signals and can display program information (column 3, lines 27-47), which meets the limitation on a processor for executing instructions, a memory coupled to the processor for storing program of instructions to be executed and presenting program guide stored in the memory and communicate with a device coupled to the network such that information encoded in a signal made available by the device is received and processed by the system.

Klosterman discloses any medium capable of transmitting a signal can transmit information to the user (column 2, line 65-column 3, line 9). Klosterman discloses in order to track which channels are available from which source, a source identifier is located on each channel such as in a color coding the cable box channel in one color and coloring the channels from the IRD box in another color (column 7, lines 1-18). Klosterman discloses the service providers transmit guides to the receiver and the service provider can be satellite, cable, etc. (column 4, lines 45-62). Klosterman discloses when creating the merged television guide, a channel map is created which identifies multiple sources and identifies the source such as local and DBS source (column 3, lines 28-47), which meets the limitation on wherein the program of instructions, when executed is capable of permitting a search for devices coupled to the network,

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identifying the devices coupled to the network, determining which of the devices are tuning sources..., and adding those devices determined to be tuning sources to the electronic program guide as available tuning sources. Klosterman does not explicitly disclose the claimed determining which of the devices are tuning sources based on information from a device registry of the network. However, the Imamura patent teaches determining which of the devices are tuning sources based on information from a device registry of the network as described in col. 5, line 33 – col. 6, line 18, where a device identification process is preformed which involves sending commands to all the nodes and inquiring as to their respective device types, furthermore, device type information may be stored in and returned from a configuration ROM associated with each node (or “device registry”)...as is known in the art, and as the responses are received, the device name column of table 500 is filled in appropriately as shown in Fig. 5. In addition to, the Applicant defines “tuning sources” as a television, VCR, DVD or the like, as described on page 12 of the Remarks/Arguments section, and in the Applicant’s Specification on pages 6-7, for example. Therefore, the claimed “tuning sources” are met by the DVD players, VCRs, televisions, etc. as described in both the Klosterman and Iwanura references. Therefore, it would have been obvious to one of ordinary skill in the art to have combined the method and apparatus for merging television program schedule information received from multiple television schedule information sources of Klosterman with the additional teachings of determining which of the devices are tuning sources based on information from a device registry of the network as disclosed in the Imamura reference for the advantage of storing the configuration of the system sources in a registry in order to maintain and use proper information on the sources connected to the information handling system.

Regarding claim 2, Klosterman discloses in each of the embodiments a television displays a program guide (figures 1 a- 1 d, column 2, lines 23-31, column 6, lines 15-33), which meets the limitation on a displayed coupled to the information handling system for displaying the program guide.

Regarding claim 3, Klosterman discloses in each of the embodiments a television displays a program guide (figures 1 a- 1 d, column 2, lines 23-31, column 6, lines 15-33). Klosterman discloses the IRD (integrated receiver decoder) receives signals and can display program information (column 3, lines 27-47). Klosterman discloses the schedule information is added to the transmitted signal (column 4, lines 46-63), which meets the limitation on a display coupled to the information handling system for displaying the information encoded in a signal made available by the device.

Regarding claim 4, Klosterman discloses the grid guide uses a lineup of channels from different sources (column 6, lines 34-50). Klosterman discloses the guide includes source identifiers (column 7, lines 1-18). Klosterman discloses the user uses the remote control and scrolls to the program on the guide and selects the program, the coordinator tunes to the appropriate source if the source is different from the source currently being viewed (column 7, lines 39-64; column 8, lines 9-40), which meets the limitation on provide content to the display via the information handling system are incorporated into the program guide such that the device may be utilized by the information handling system.

Regarding claim 5, Klosterman discloses the grid guide channels can be arranged by alphabetical order, source, mixed order programmed by the user, or any other arrangement (column 6, lines 34-48), which meets the limitation on the availability of the device is capable of

being incorporated into the program guide such that content from the device may be accessed via a distinct channel of the program guide.

Regarding claims 6-10, the limitations in claims 6-10 have been met in the rejection of claims 1-5 respectively.

Regarding claims 35-37, the limitations in claims 35-37 have been met in the rejection of claim 13 respectively.

Regarding claims 38-40, the limitations in claims 38-40 have been met in the rejection of claim 13 respectively.

Regarding claim 41, the limitations in claim 41 have been met in the rejection of claims 1 and 11 respectively.

Regarding claims 42-44, the limitations in claims 42-44 have been met in the rejection of claim 13 respectively.

4. Claims 15-16 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman, in view of Iwamura, in further view of Tsumori (USPN 5,438,372).

Regarding claims 15-16, Klosterman and Iwamura fail to disclose simultaneously receiving and displaying programs from the first device and the identified device. Tsumori discloses a satellite tuner referred to as a BS tuner (column 1, lines 29-31). Tsumori discloses a picture in picture system that displays a terrestrial broadcast on the mini-viewing screen and the BS broadcast on the main screen (column 10, lines 32-52), which meets the limitation on simultaneously receiving and displaying programs from a first device and identified device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify Klosterman and Iwamura to have a picture in picture show programming from one source in the smaller display and programming from another source on the main display as taught by Tsumori in order to show the user what is being broadcasted on a different channel.

Regarding claims 27-28, the limitations in claims 27-28 have been met in the rejection of claims 15-16 respectively.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

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Michael W. Hoyer  
November 8, 2005



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600